

REMARKS

The Office Action mailed December 29, 2009, has been reviewed and these remarks are responsive thereto. Claims 53-70 are pending. No new matter has been added. Reconsideration and allowance are respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 53-58, 60-67, 69, and 70 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. pat. no. 7,096,504 to Tagawa et al. ("Tagawa"). This rejection is traversed below.

Amended independent claim 53 recites, among other features “. . . the indicia data indicating the determined level of protection for the data content, the mobile terminal further comprising a processor configured to compare, for each possible level of protection indicated by the indicia data, the indicia data in the received datagram to a set of conditions representing a set of allowable and prohibited operations in relation to the data content, and to control individual user selectable operations for the data content at the mobile terminal according to the level of protection indicated by the indicia data based on said comparison.” Illustrative, non-limiting support for the amended features of claim 1 may be found in the filed specification when read as a whole, and for example, at page 7, lines 13-29 (describing that when a datagram is received by a terminal, it is accessible to a UI but not otherwise accessible to a user operating the terminal in a normal fashion, and that the UI compares a value of a control class to a set of pre-existing conditions each representing a set of allowable and prohibited operations in relation to the content), Figure 2 (UI 19 included in terminal 3) and page 8, lines 14-17.

Tagawa fails to disclose the above-noted features recited in claim 53. Specifically, Tagawa at col. 6, line 61 – col. 7, line 20; col. 9, lines 5-54; and Figures 2A-2C and 4A-4D describes conditioning a recording of copyrighted material onto a second recording medium as a function of whether a usage rule is stored on a first recording medium. Thus, even assuming (without admitting) that the usage rule of Tagawa could have been analogized to the recited indicia data indicating a determined level of protection for data content, Tagawa fails to disclose a mobile terminal comprising a processor configured to compare, for each possible level of

protection indicated by the usage rule, the usage rule in a received datagram to a set of conditions representing a set of allowable and prohibited operations in relation to data content, and to control individual user selectable operations for the data content at the mobile terminal according to the level of protection indicated by the indicia data based on the comparison, as the usage rule is absent when copyrighted material should not be recorded on another recording medium. Claim 53 is distinguishable from Tagawa for at least the foregoing reasons.

Amended independent claims 55, 63, and 64 recite features similar to those described above with respect to claim 53 and are distinguishable from Tagawa for at least reasons substantially similar to those discussed above.

Claims 54, 56-58, 60-62, 65-67, 69, and 70 each depend from at least one of claims 53, 55, 63, and 64 and are distinguishable from Tagawa for at least the same reasons as their respective base claims. The dependent claims are further distinguishable from Tagawa in view of the unique combinations of features recited therein. For example, claim 65 recites “wherein said user selectable operations comprises transferring the data content from a volatile memory of said terminal to a non-volatile memory of said terminal.” Thus, in claim 65, both the volatile memory and the non-volatile memory are included in the terminal. In Tagawa, the alleged transfer of data content takes place to SD memory cards 100 that are not included in terminals 104-110. *See* Tagawa at Figures 5, 6A, and 8B-8C. Claim 65 is distinguishable from Tagawa for at least these additional reasons.

Rejections Under 35 U.S.C. § 103

Claims 59 and 68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tagawa in view of U.S. pat. no. 6,977,921 to Dolan (“Dolan”). This rejection is traversed below.

Claims 59 and 68, which depend from claims 55 and 64, respectively, are distinguishable from the applied documents for at least the same reasons as their respective base claims, as Dolan fails to remedy the deficiencies of Tagawa described above (notwithstanding whether the combination of Tagawa and Dolan would have been proper).

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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By: /Mark E. Wilinski/
Mark E. Wilinski
Registration No. 63,230

1100 13th Street, N.W., Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001